



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,034	03/21/2000	Jay H. Connelly	042390.P8388	6937

7590 07/02/2003

James Y Go  
Blakely Sokoloff Taylor & Zafman LLP  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026

[REDACTED] EXAMINER

BLAIR, DOUGLAS B

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2142

DATE MAILED: 07/02/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/532,034	CONNELLY, JAY H.
	Examiner Douglas B Blair	Art Unit 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 April 2003.

2a) This action is **FINAL**.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-32 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3 and 8</u> .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1-32 are currently pending in this application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,557,042 He et al. in view of U.S. Patent Number 6,490,722 to Barton et al..

4. He et al. Teaches the invention substantially as claimed (As in claim 28) including a system comprising: a broadcast server (col. 3, lines 29-47); and one or more client systems coupled to the broadcast server (col. 3, lines 29-47); wherein the broadcast server is coupled to broadcast meta-data to the one or more client systems, the meta-data including descriptions of content corresponding respective data files from among a plurality of data files up for consideration for a future broadcast (col. 8, lines 14-38); wherein the one or more client systems are coupled to transmit to the broadcast server ratings of the plurality of data files (col. 9, lines 15-48); wherein the broadcast system is coupled to select a portion of the plurality of the data files in response to the ratings received from the one or more client systems (col. 9, lines 49-67 and col. 10, lines 1-39); wherein the broadcast system is further coupled to broadcast the selected

portion of the plurality of data files (col. 10, lines 63-67 and col. 11, lines 1-42); however He et al. does not explicitly teach the one or more client system coupled to rate the content via a content rating table.

Barton teaches a system wherein one or more client systems are coupled to rate in response to a content rating table one or more of a plurality of data files described by the meta-data, the content rating table generated using the meta-data and containing ratings derived from observation of data files previously accessed via that client (col. 13, lines 7-40).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of He et al. regarding the distribution of content from a broadcast server with the teachings of Barton regarding the explicit rating of content using a content rating table because broadcasting content based on a client's ratings increases the clients satisfaction with the broadcast content (Barton col. 1, lines 59-67 and col. 2, lines 1-10).

5. As to claims 1, 7, and 10, they are method claims that feature limitations that correspond to the system claim 28 so claims 1, 7, and 10 are rejected on the same basis as claim 28.

6. As to claim 14 and 26, they feature limitations corresponding to the client in the system claimed in claim 28 and are thus rejected on the same basis as claim 28.

7. As to claims 18, 21, and 24, they feature limitations corresponding to the server in the system claimed in claim 28 and are thus rejected on the same basis as claim 28.

8. As to claims 2, 15, 25, He et al. teaches selecting a portion of the plurality of data files that are broadcast are data files having a higher content rating than a remaining portion of data files that are not selected for broadcast (col. 9, lines 65-67 and col. 10, lines 1-16).

9. As to claim 3, He et al. teaches combining the ratings received from the client systems, if ratings are received from more than one client system, to generate an overall ratings list of the plurality of data files (col. 9, lines 65-67 and col. 10, lines 1-16).

10. As to claims 4, 12, 16 and 23, He et al. teaches broadcasting a broadcast schedule of the selected portion of the plurality of data files prior to broadcasting the selected portion of the plurality of data files (col. 10, lines 25-39).

11. As to claims 5 and 17, He et al. teaches broadcasting a broadcast schedule of the meta-data prior to broadcastings the meta-data to the one or more client systems (col. 10, lines 25-39).

12. As to claim 6, He et al. teaches broadcasting the portion of the plurality of data files to the one or more client systems comprising broadcasting on the plurality of data files having a higher ratings prior to broadcasting on of the plurality of data files having a lower rating (col. 9, lines 65-67 and col. 10, lines 1-16).

13. As to claims 8, 11, 19, 22, and 27, Barton teaches receiving a meta-data broadcast schedule broadcast by the server system, the client system activated in response to the meta-data broadcast schedule to receive the meta-data (col. 19, lines 23-46).

14. As to claims 9, 13, and 20, Barton teaches a first plurality of data files including a second plurality of data files (col. 17, lines 29-63).

15. As to claims 29-32, Barton teaches a system wherein each of one or more client systems are coupled to selectively receive and store a portion of the selected portion of the plurality of data files in response to a content rating table associated with each respective one of the plurality of client systems (col. 19, lines 23-46).

***Response to Arguments***

16. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the

Art Unit: 2142

organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Douglas Blair  
June 30, 2003

MEHMET B. GECKIL  
PRIMARY EXAMINER

